

REMARKS

This amendment is being filed in response to a non-final Office Action dated May 11, 2005.

Claims 1-31 are pending. Claims 1-31 stand rejected under the judicially created doctrine of double patenting over claims 1-36 of U.S. Patent No. 6,691,961. Claims 6-31 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 1 and 29-31 stand rejected under 35 U.S.C. 102(b) as being anticipated by Bryant et al. (Pat. No. 1,445,747) ("Bryant"). Claims 6, 9-11, 14-19, 21-22, and 25-28 stand rejected under 35 U.S.C. 102(b) as being anticipated by Moy et al. (Patent No. 6,179,264) ("Moy"). Claims 2-4, 15-19, and 22-24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bryant. Claims 7-8 and 12-13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Moy.

Claims 1-5 and 29-31 are being canceled to expedite prosecution of this application. Applicants reserve the right to refile these claims in a continuing application. Claims 6, 11, 15, and 20 are being amended. No new matter is being introduced by way of these amendments.

With regard to the double patenting rejection, a terminal disclaimer and Statement Under 37 CFR 3.73(b) are filed herewith to overcome the double patenting rejection of claims 1-31 over claims 1-36 of U.S. Patent No. 6,691,961. Accordingly, the double patenting rejection should be withdrawn.

With regard to the rejection of claims 6-31 under 35 U.S.C. 112, second paragraph, Applicant has amended independent claims 6, 11, and to clarify that the electronic device is not a positive element of the claimed inventions. Applicant has amended Claim 20 to add antecedent basis for "the opening in the revolving element." Claims 29-31 are canceled. Based on these amendments and canceled claims, Applicants respectfully request that the rejections under 35 U.S.C. 112, second paragraph be withdrawn.

With regard to the rejection under 35 U.S.C. 102(b) of claims 1 and 29-31 as being anticipated by Bryant, Applicant has canceled these claims in the Claim Listing above to

expedite prosecution in this application. Therefore, the rejection under 35 U.S.C. 102(b) is now moot. Accordingly, Applicant respectfully requests the rejection be withdrawn.

Claims 6, 9-11, 14-19, 21-22, and 25-28 stand rejected under 35 U.S.C. 102(b) as being anticipated by Moy et al. (Patent No. 6,179,264) ("Moy").

Claim 6 recites, in part, "said at least one resistance element being selectably contacted with the desktop for resisting movement of said member."

In contrast, Moy discloses, in reference to Figs. 3 and 4 in col. 2, lines 31-55, a "brake member 24 ... shown engaging the roller ball 24 under the influence of the spring pressure from operating spring 28. This presses the roller ball 22 firmly against the walls of its generally spherical housing 23 and prevents it from rotating." Thus, to resist movement, Moy discloses a braking mechanism that is selectably contacted with the roller ball, which is different from being "selectably contacted with the desktop," as recited in Applicants' now amended claim 6.

Accordingly, Applicant respectfully requests that the rejection of claim 6 under 35 U.S.C. 102(b) be withdrawn. Because claims 9 and 10 depend from claim 6, these claims should be allowed for at least the same reasons.

Independent claim 11 recites,

at least one engaging/disengaging element coupled to said member and
(i) while in a first state, to provide mobility for the desktop electronic device and (ii) while in a second state, (a) to cause the at least one revolving element to not be in contact with the desktop or (b) to allow the at least one revolving element to be in contact with the desktop but not support weight of the desktop electronic device.

Moy's roller ball 24 always supports the weight of whatever it supports, such as a desktop electronic device and is always in contact with the desktop to provide the mobility. Moy does not disclose or suggest a mechanism that can be used to selectably enable his roller ball to support the weight of whatever it supports or selectably contact the desktop to provide the mobility. Moy can selectably apply a braking mechanism to contact the roller ball, but that is not the same as "(a) to cause the at least one revolving element to not be in contact with the desktop

or (b) to allow the at least one revolving element to be in contact with the desktop but not support weight of the desktop electronic device,” as recited in now amended claim 11.

Therefore, Applicants respectfully submit the rejection of claim 11 under 35 U.S.C. 102(b) based on Moy should be withdrawn. Because claim 14 depends from claim 11, this claim should be allowed for at least the same reasons.

Claim 15 as now amended recites, “a platform having a top surface adapted to support a desktop electronic device; and at least one mobility assembly coupled to the platform.”

In contrast, Moy does not disclose a platform. Moy discloses a housing for a computer that includes a plate with roller balls. The base cannot be separate from the housing, nor does Moy suggest the base can be separated from the housing. In contrast, platform, as claimed by Applicants, can be separated from a computer and used to provide mobility for other desktop electronic devices.

Therefore, Applicants respectfully submit the rejection of claim 15 under 35 U.S.C. 102(b) based on Moy should be withdrawn. Because claims 16-19, 21, 22, and 25-28 depend from claim 15, these claims should be allowed for at least the same reasons.

Claims 2-4, 15-19, and 22-24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bryant.

Claims 2-4 are being canceled in the Claim Listing above. Therefore, the rejection of these claims is now moot.

Claim 15 as now amended recites,

a platform having a top surface adapted to support a desktop electronic device; and at least one mobility assembly coupled to the platform ...
and at least one mobility assembly coupled to the platform ... to support said platform on the desktop and to translate the platform from a first position to a second position on the desktop.”

Bryant does not disclose a platform. Bryant discloses a mobility assembly configured to be connected directly to the leg of furniture (e.g., a chair, table, or piano). Moreover, Bryant would not disclose a platform because furniture has legs too far from each other to use a platform to be placed under the legs of furniture, and such a platform would be too large for desktop use.

Thus, Bryant does not suggest a platform that can be used "to translate the platform from a first position to a second position on the desktop."

Therefore, Applicants respectfully submit the rejection of claim 15 under 35 U.S.C. 103(a) based on Bryant should be withdrawn. Because claims 16-19, and 22-24 depend from claim 15, these claims should be allowed for at least the same reasons.

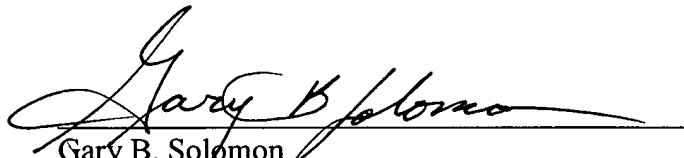
Claims 7-8 and 12-13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Moy.

Claim 7-8 depend from claim 6, so the remarks presented above with respect to claim 6 and Moy apply. Because claim 6 is allowable under 35 U.S.C. 103(a), Applicants respectfully submit claims 7-8 should be allowable for at least the same reasons.

Claim 12-13 depend from claim 11, so the remarks presented above with respect to claim 11 and Moy apply. Because claim 11 is allowable under 35 U.S.C. 103(a), Applicants respectfully submit claims 12-13 should be allowable for at least the same reasons.

Respectfully submitted,

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